

MINUTES SPECIAL MEETING LEESBURG PLANNING COMMISSION
AUGUST 28, 2003

The Leesburg Planning Commission met on Thursday, August 28, 2003 in the Council Chambers at 25 West Market Street, Leesburg, Virginia. Staff members present for the meeting were Brian Boucher, Susan Swift and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Cliff Vaughan
Vice Chairman Jim Clem
Commissioner Werner
Commissioner Kennedy
Commissioner Hoovler
Commissioner Bangert
Commissioner Dubé

Absent: Mayor Umstattd

ADOPTION OF THE AGENDA

Vice Chairman Clem made a motion to approve the agenda.

Motion: Clem
Second: Kennedy
Carried: 7-0

ZONING

SE 2003-02 – Leesburg Auto Finance Annex – Brian Boucher, Zoning Administrator

Brian Boucher stepped forward and gave a presentation on the Leesburg Auto Finance Special Exception. The business is currently at the Corner of Catoctin Circle and Business Route 7. This is a request to expand the business at a site on Parker Court.

Commissioner Dubé asked what type of building would be put up. Will it be butler style? He went on to ask if the buffer will be around the entire lot?

Boucher responded that he was not sure what type of building would be put up. He further stated that the buffer would consist of some current plantings and new plantings to make sure that the site would be buffered.

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Commissioner Bangert asked if BAR had any input into H2 zonings.

Boucher responded that yes, they would have input.

Commissioner Hoovler asked about fencing. Boucher stated that there is some existing fencing. Commissioner Clem said that the existing fencing will look bad once the plant growth is cleared from the fencing.

Commissioner Kennedy stated that he saw no indication that the new and existing plans for the building were scheduled to be reviewed by the BAR nor have they already been reviewed by BAR in this H2 overlay area.

Mr. Boucher responded that it was actually up to the applicant. They can request BAR review upon application for the site plan submission.

Commissioner Werner asked whether the existing site and the new site were contiguous in any way via a pathway or the like. Boucher responded "no".

SE 2003-03 - Mobil Car Wash – Brian Boucher, Zoning Administrator

Brian Boucher gave an overview of this Special Exception. This is for a single lane carwash at the existing Mobil Station at Battlefield Shopping Center. This is a special exception because car washes require it, but there is also an existing special exception on the site.

Commissioner Werner – no comment.

Commissioner Kennedy asked when this Special Exception was originally submitted. Mr. Boucher stated around the end of June.

Commissioner Clem stated that the owners have waited a long time to bring this forward having looked into the feasibility. He feels that it is a good application for this site and supports approval of it.

Commissioner Hoovler – no comment

Commissioner Bangert – no comment

Commissioner Dubè asked if it would be a single lane drive through with no vacuums, etc. Mr. Boucher stated there will be some vacuums.

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ZM 2002-05 – Misty Ridge – Brian Boucher, Zoning Administrator

Brian Boucher gave an overview of the submission. He went on to state that there would be extensive grading required because of the slope varying from 15-25% with this proposed rezoning.

Commissioner Vaughan asked if the cul-de-sac would present any ingress and egress problems.

Mr. Boucher replied that since a signal light will be going in, there would not be any problems. There may, however, be some modifications to the signal light.

Commissioner Werner asked if the entrance was directly across from Hope Parkway and also what kind of materials the retaining walls would be. Because of the steep slope concerns, based on current zoning, where would the houses have been. Is this a better plan and has the heavily wooded terrain been taken into consideration?

Mr. Boucher stated that the property could be developed By Right, and that staff is paying careful attention to the submission. The staff report will answer many of these questions.

Commissioner Kennedy asked why there were no staff reports on the Mobil Car Wash nor the Misty Ridge submissions.

Susan Swift stated that there was not sufficient time to prepare both staff reports to the level that they required. Since there was only three days to prepare, the staff pulled together the data and not the full reports.

Commissioner Clem said that he had hoped this land would be developed as an office area, rather than residential.

Commissioner Hoovler stated that this application has given the commission much to think about given the elevation and materials of the retaining wall. Will the applicant be able to respond to these questions by next week?

Mr. Boucher stated that he felt they would.

Commissioner Bangert asked about the flood plain area of the plan. She said it seemed as though the first house is close to the flood plain. Will they have their own turn lane into this road, and when would the traffic signal be put in.

Commissioner Dubé thanked the staff for not approving the cluster development in this area that was previously proposed. From a safety standpoint adding more cars and people to the already congested area would not be good. He went on to thank staff for preparing the information for tonight's meeting on such short notice.

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Commissioner Kennedy stated this property was zoned industrial at one time. There is a “no trespassing” sign, can he visit property? Where is the current residence? Can Brian call ahead of time to arrange for a preview of the property.

STAFF AND COMMISSION REPORTS

Susan Swift recapped her revised memo regarding the Business Friendly Procedures.

By Right Uses – The staff still recommends eliminating the first submission review on By Right uses. If they meet the code, then it should move forward.

With regard to eliminating planning commission review of the site plan, Susan suggested that since code amendment is required for this, a report be put together that reviews last year’s cases and audit planning commission comments on the cases reviewed.

Acknowledgement to add criteria on expedited reviews. Planning Commission recommended that criteria be reduced from 100 employees or 100,000 square feet to 50 employees or 50,000 square feet.

On rezonings, eliminate previews for Planning Commission and Town Council as well. Public hearing should be the first meeting before the PC, a meeting prior to that puts the public at a disadvantage in the process. A meeting with just the applicant and the Commission can give the impression that things are happening prior to public knowledge.

Commissioner Dubé suggested that each item be considered individually with discussion and motion.

Chairman Vaughan agreed and opened discussion on By Right Uses

Commissioner Werner made the motion to eliminate first submission briefings to planning commission on by right uses.

Commissioner Kennedy moved to table the motion.

Commissioner Werner stated that the motion to table requires a second and then is not debatable.

Commissioner Hoovler seconded the motion.

Commissioner Kennedy stated that a by right use next to you is not distinguishable as a by right, rezoning or special exception. Many citizens do not know the difference. The Planning Commission is here to serve the citizens.

Motion: Werner
Second: Hoovler

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Failed : 2-5

On the second item regarding Planning Commission Site Plan review a motion was made by Commissioner Dube to table this item pending further information from staff.

Motion: Dube
Second: Kennedy
Carried: 6-1

The next item proposed criteria for expediting of applications. A motion was made by Commissioner Bangert and seconded by Commissioner Dube to establish criteria recommended by staff using the threshold of 50 employees or 50,000 square feet of leasable space for expedited review.

Motion: Bangert
Second: Dube
Carried: 5-2

A motion was made by Commissioner Clem and seconded by Commissioner Bangert regarding elimination of first submission previews by the Town Council and Planning Commission on rezonings and special exceptions.

Following some discussion the result of the vote was as follows:

Motion: Clem
Second: Werner
Failed: 1-6

Chairman Vaughan went on to say there is a commitment to the town and its citizens regarding all of the processes in place. A dramatic change could render the Commission as merely ceremonial.

Commissioner Werner moved to keep the Bylaws as they appear now. Seconded by Commissioner Bangert.

Motion: Werner
Second: Bangert
Carried: 7-1

Commissioner Werner commented that processes are always open to changes and improvements. Director Swift is proposing these changes in view of improving and helping both staff and Commission move through the process with more ease.

Commissioner Kennedy requested that Commissioners receive emails regarding potentially controversial cases, rather than just the Chairperson. Chairperson Vaughan

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said he and Director Swift will discuss the issues at hand and then pass the information onto the rest of the Commission.

Commissioner Clem summed it up as rules can always be suspended in the event of a clean application, the Commission must maintain its participation in the process and the citizens shall be represented.

Commissioner Hoovler asked the question about applicant advantage vs. citizen disadvantage. Should more be done by Commission members to assure that no sense of disadvantage is eluded to.

Director Swift – if you are going to continue to have the preview, there are ways to limit the interaction with the applicant and disallowing the applicant to present anything. The public can see the preview meeting and can feel that this gives the applicant an advantage. She recommended that the Commissioners discuss it amongst themselves and ask factual questions of each other and staff.

Chairman Vaughan said he never heard a complaint from citizens on this. In order for the Commission to understand issues there needs to be open communication with the applicant to be able to also understand what is in the best interest of the public.

Commissioner Kennedy made some further comments and went on to state that the Commission has not had any lawsuits, nor did he see any coming. He moved to adjourn the meeting.

Chairman Vaughan said he spoke with Karen Jones of the Economic Development Committee regarding the notion of Business Friendly. What exactly is the definition? Are we trying to adjust what we do to address something undefined? He asked if the Commission would like to consider a retreat to discuss this indepth.

ADJOURNMENT

The motion was made to adjourn at 8:53pm.

Prepared by:

Approved By:

Linda DeFranco, Commission Clerk

Cliff Vaughan, Chairman